Fill in this information to identify your case:

United States Bankruptcy Court for the:

Eastern District of North Carolina

Case number (*If known*): ______________________

Chapter you are filing under:
- ☐ Chapter 7
- ☐ Chapter 11
- ☐ Chapter 12
- ☑ Chapter 13

☐ Check if this is an amended filing

Official Form 101

Voluntary Petition for Individuals Filing for Bankruptcy

12/15

The bankruptcy forms use *you* and *Debtor 1* to refer to a debtor filing alone. A married couple may file a bankruptcy case together—called a *joint case*—and in joint cases, these forms use *you* to ask for information from both debtors. For example, if a form asks, "Do you own a car," the answer would be *yes* if either debtor owns a car. When information is needed about the spouses separately, the form uses *Debtor 1* and *Debtor 2* to distinguish between them. In joint cases, one of the spouses must report information as *Debtor 1* and the other as *Debtor 2*. The same person must be *Debtor 1* in all of the forms.

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write your name and case number (if known). Answer every question.

Part 1: Identify Yourself

	About Debtor 1:	About Debtor 2 (Spouse Only in a Joint Case):
1. Your full name Write the name that is on your government-issued picture identification (for example, your driver's license or passport). Bring your picture identification to your meeting with the trustee.	Tonya First name Evette Middle name Summers Last name ______ Suffix (Sr., Jr., II, III)	______ First name ______ Middle name ______ Last name ______ Suffix (Sr., Jr., II, III)
2. All other names you have used in the last 8 years Include your married or maiden names.	______ First name ______ Middle name ______ Last name ______ First name ______ Middle name ______ Last name	______ First name ______ Middle name ______ Last name ______ First name ______ Middle name ______ Last name
3. Only the last 4 digits of your Social Security number or federal Individual Taxpayer Identification number (ITIN)	xxx – xx – 4544 OR 9 xx – xx – ____ ____ ____ ____	xxx – xx – ____ ____ ____ ____ OR 9 xx – xx – ____ ____ ____ ____

Debtor 1 Tonya Evette Summers
First Name Middle Name Last Name

Case number (*if known*)

	About Debtor 1:	About Debtor 2 (Spouse Only in a Joint Case):
4. Any business names and Employer Identification Numbers (EIN) you have used in the last 8 years Include trade names and *doing business as* names	☑ I have not used any business names or EINs. Business name Business name EIN EIN	❑ I have not used any business names or EINs. Business name Business name EIN EIN
5. Where you live		**If Debtor 2 lives at a different address:**
	527 Waterford Lake Dr. Number Street Cary NC 27519 City State ZIP Code Wake County	Number Street City State ZIP Code County
	If your mailing address is different from the one above, fill it in here. Note that the court will send any notices to you at this mailing address. Number Street P.O. Box City State ZIP Code	**If Debtor 2's mailing address is different from yours, fill it in here.** Note that the court will send any notices to this mailing address. Number Street P.O. Box City State ZIP Code
6. Why you are choosing *this district* to file for bankruptcy	*Check one:* ☑ Over the last 180 days before filing this petition, I have lived in this district longer than in any other district. ❑ I have another reason. Explain. (See 28 U.S.C. § 1408.)	*Check one:* ❑ Over the last 180 days before filing this petition, I have lived in this district longer than in any other district. ❑ I have another reason. Explain. (See 28 U.S.C. § 1408.)

Debtor 1 Tonya Evette Summers
First Name Middle Name Last Name

Case number (*if known*) ________________________

Part 2: Tell the Court About Your Bankruptcy Case

7. The chapter of the Bankruptcy Code you are choosing to file under

Check one. (For a brief description of each, see *Notice Required by 11 U.S.C. § 342(b) for Individuals Filing for Bankruptcy* (Form 2010)). Also, go to the top of page 1 and check the appropriate box.

- ☐ Chapter 7
- ☐ Chapter 11
- ☐ Chapter 12
- ☑ Chapter 13

8. How you will pay the fee

☐ **I will pay the entire fee when I file my petition**. Please check with the clerk's office in your local court for more details about how you may pay. Typically, if you are paying the fee yourself, you may pay with cash, cashier's check, or money order. If your attorney is submitting your payment on your behalf, your attorney may pay with a credit card or check with a pre-printed address.

☑ **I need to pay the fee in installments**. If you choose this option, sign and attach the *Application for Individuals to Pay The Filing Fee in Installments* (Official Form 103A).

☐ **I request that my fee be waived** (You may request this option only if you are filing for Chapter 7. By law, a judge may, but is not required to, waive your fee, and may do so only if your income is less than 150% of the official poverty line that applies to your family size and you are unable to pay the fee in installments). If you choose this option, you must fill out the *Application to Have the Chapter 7 Filing Fee Waived* (Official Form 103B) and file it with your petition.

9. Have you filed for bankruptcy within the last 8 years?

☑ No

☐ Yes. District ________ When ________ Case number ________
MM / DD / YYYY

District ________ When ________ Case number ________
MM / DD / YYYY

District ________ When ________ Case number ________
MM / DD / YYYY

10. Are any bankruptcy cases pending or being filed by a spouse who is not filing this case with you, or by a business partner, or by an affiliate?

☑ No

☐ Yes. Debtor ________ Relationship to you ________
District ________ When ________ Case number, if known ________
MM / DD / YYYY

Debtor ________ Relationship to you ________
District ________ When ________ Case number, if known ________
MM / DD / YYYY

11. Do you rent your residence?

☑ No. Go to line 12.

☐ Yes. Has your landlord obtained an eviction judgment against you and do you want to stay in your residence?

- ☑ No. Go to line 12.
- ☐ Yes. Fill out *Initial Statement About an Eviction Judgment Against You* (Form 101A) and file it with this bankruptcy petition.

Debtor 1 Tonya Evette Summers
First Name Middle Name Last Name

Case number (*if known*)

Part 3: Report About Any Businesses You Own as a Sole Proprietor

12. Are you a sole proprietor of any full- or part-time business?

A sole proprietorship is a business you operate as an individual, and is not a separate legal entity such as a corporation, partnership, or LLC.

If you have more than one sole proprietorship, use a separate sheet and attach it to this petition.

☑ No. Go to Part 4.

☐ Yes. Name and location of business

Name of business, if any

Number Street

City State ZIP Code

Check the appropriate box to describe your business:

☐ Health Care Business (as defined in 11 U.S.C. § 101(27A))

☐ Single Asset Real Estate (as defined in 11 U.S.C. § 101(51B))

☐ Stockbroker (as defined in 11 U.S.C. § 101(53A))

☐ Commodity Broker (as defined in 11 U.S.C. § 101(6))

☐ None of the above

13. Are you filing under Chapter 11 of the Bankruptcy Code and are you a *small business debtor*?

For a definition of *small business debtor*, see 11 U.S.C. § 101(51D).

If you are filing under Chapter 11, the court must know whether you are a small business debtor so that it can set appropriate deadlines. If you indicate that you are a small business debtor, you must attach your most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return or if any of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).

☑ No. I am not filing under Chapter 11.

☐ No. I am filing under Chapter 11, but I am NOT a small business debtor according to the definition in the Bankruptcy Code.

☐ Yes. I am filing under Chapter 11 and I am a small business debtor according to the definition in the Bankruptcy Code.

Part 4: Report if You Own or Have Any Hazardous Property or Any Property That Needs Immediate Attention

14. Do you own or have any property that poses or is alleged to pose a threat of imminent and identifiable hazard to public health or safety? Or do you own any property that needs immediate attention?

For example, do you own perishable goods, or livestock that must be fed, or a building that needs urgent repairs?

☑ No

☐ Yes. What is the hazard?

If immediate attention is needed, why is it needed?

Where is the property?

Number Street

City State ZIP Code

Debtor 1 Tonya Evette Summers
First Name Middle Name Last Name

Case number (if known)

Part 5: Explain Your Efforts to Receive a Briefing About Credit Counseling

15. Tell the court whether you have received a briefing about credit counseling.

The law requires that you receive a briefing about credit counseling before you file for bankruptcy. You must truthfully check one of the following choices. If you cannot do so, you are not eligible to file.

If you file anyway, the court can dismiss your case, you will lose whatever filing fee you paid, and your creditors can begin collection activities again.

About Debtor 1:

You must check one:

- ☑ **I received a briefing from an approved credit counseling agency within the 180 days before I filed this bankruptcy petition, and I received a certificate of completion.**

  Attach a copy of the certificate and the payment plan, if any, that you developed with the agency.

- ☐ **I received a briefing from an approved credit counseling agency within the 180 days before I filed this bankruptcy petition, but I do not have a certificate of completion.**

  Within 14 days after you file this bankruptcy petition, you MUST file a copy of the certificate and payment plan, if any.

- ☐ **I certify that I asked for credit counseling services from an approved agency, but was unable to obtain those services during the 7 days after I made my request, and exigent circumstances merit a 30-day temporary waiver of the requirement.**

  To ask for a 30-day temporary waiver of the requirement, attach a separate sheet explaining what efforts you made to obtain the briefing, why you were unable to obtain it before you filed for bankruptcy, and what exigent circumstances required you to file this case.

  Your case may be dismissed if the court is dissatisfied with your reasons for not receiving a briefing before you filed for bankruptcy.

  If the court is satisfied with your reasons, you must still receive a briefing within 30 days after you file. You must file a certificate from the approved agency, along with a copy of the payment plan you developed, if any. If you do not do so, your case may be dismissed.

  Any extension of the 30-day deadline is granted only for cause and is limited to a maximum of 15 days.

- ☐ **I am not required to receive a briefing about credit counseling because of:**

  - ☐ **Incapacity.** I have a mental illness or a mental deficiency that makes me incapable of realizing or making rational decisions about finances.
  - ☐ **Disability.** My physical disability causes me to be unable to participate in a briefing in person, by phone, or through the internet, even after I reasonably tried to do so.
  - ☐ **Active duty.** I am currently on active military duty in a military combat zone.

  If you believe you are not required to receive a briefing about credit counseling, you must file a motion for waiver of credit counseling with the court.

About Debtor 2 (Spouse Only in a Joint Case):

You must check one:

- ☐ **I received a briefing from an approved credit counseling agency within the 180 days before I filed this bankruptcy petition, and I received a certificate of completion.**

  Attach a copy of the certificate and the payment plan, if any, that you developed with the agency.

- ☐ **I received a briefing from an approved credit counseling agency within the 180 days before I filed this bankruptcy petition, but I do not have a certificate of completion.**

  Within 14 days after you file this bankruptcy petition, you MUST file a copy of the certificate and payment plan, if any.

- ☐ **I certify that I asked for credit counseling services from an approved agency, but was unable to obtain those services during the 7 days after I made my request, and exigent circumstances merit a 30-day temporary waiver of the requirement.**

  To ask for a 30-day temporary waiver of the requirement, attach a separate sheet explaining what efforts you made to obtain the briefing, why you were unable to obtain it before you filed for bankruptcy, and what exigent circumstances required you to file this case.

  Your case may be dismissed if the court is dissatisfied with your reasons for not receiving a briefing before you filed for bankruptcy.

  If the court is satisfied with your reasons, you must still receive a briefing within 30 days after you file. You must file a certificate from the approved agency, along with a copy of the payment plan you developed, if any. If you do not do so, your case may be dismissed.

  Any extension of the 30-day deadline is granted only for cause and is limited to a maximum of 15 days.

- ☐ **I am not required to receive a briefing about credit counseling because of:**

  - ☐ **Incapacity.** I have a mental illness or a mental deficiency that makes me incapable of realizing or making rational decisions about finances.
  - ☐ **Disability.** My physical disability causes me to be unable to participate in a briefing in person, by phone, or through the internet, even after I reasonably tried to do so.
  - ☐ **Active duty.** I am currently on active military duty in a military combat zone.

  If you believe you are not required to receive a briefing about credit counseling, you must file a motion for waiver of credit counseling with the court.

Debtor 1 Tonya Evette Summers
First Name Middle Name Last Name

Case number (*if known*)

Part 6: Answer These Questions for Reporting Purposes

16. What kind of debts do you have?

16a. **Are your debts primarily consumer debts?** *Consumer debts* are defined in 11 U.S.C. § 101(8) as "incurred by an individual primarily for a personal, family, or household purpose."

- [x] No. Go to line 16b.
- [ ] Yes. Go to line 17.

16b. **Are your debts primarily business debts?** *Business debts* are debts that you incurred to obtain money for a business or investment or through the operation of the business or investment.

- [ ] No. Go to line 16c.
- [ ] Yes. Go to line 17.

16c. State the type of debts you owe that are not consumer debts or business debts.

____

17. Are you filing under Chapter 7?

Do you estimate that after any exempt property is excluded and administrative expenses are paid that funds will be available for distribution to unsecured creditors?

- [x] No. I am not filing under Chapter 7. Go to line 18.
- [ ] Yes. I am filing under Chapter 7. Do you estimate that after any exempt property is excluded and administrative expenses are paid that funds will be available to distribute to unsecured creditors?
  - [ ] No
  - [ ] Yes

18. How many creditors do you estimate that you owe?

[x] 1-49	[ ] 1,000-5,000	[ ] 25,001-50,000
[ ] 50-99	[ ] 5,001-10,000	[ ] 50,001-100,000
[ ] 100-199	[ ] 10,001-25,000	[ ] More than 100,000
[ ] 200-999		

19. How much do you estimate your assets to be worth?

[ ] $0-$50,000	[ ] $1,000,001-$10 million	[ ] $500,000,001-$1 billion
[ ] $50,001-$100,000	[ ] $10,000,001-$50 million	[ ] $1,000,000,001-$10 billion
[x] $100,001-$500,000	[ ] $50,000,001-$100 million	[ ] $10,000,000,001-$50 billion
[ ] $500,001-$1 million	[ ] $100,000,001-$500 million	[ ] More than $50 billion

20. How much do you estimate your liabilities to be?

[ ] $0-$50,000	[ ] $1,000,001-$10 million	[ ] $500,000,001-$1 billion
[ ] $50,001-$100,000	[ ] $10,000,001-$50 million	[ ] $1,000,000,001-$10 billion
[x] $100,001-$500,000	[ ] $50,000,001-$100 million	[ ] $10,000,000,001-$50 billion
[ ] $500,001-$1 million	[ ] $100,000,001-$500 million	[ ] More than $50 billion

Part 7: Sign Below

For you

I have examined this petition, and I declare under penalty of perjury that the information provided is true and correct.

If I have chosen to file under Chapter 7, I am aware that I may proceed, if eligible, under Chapter 7, 11,12, or 13 of title 11, United States Code. I understand the relief available under each chapter, and I choose to proceed under Chapter 7.

If no attorney represents me and I did not pay or agree to pay someone who is not an attorney to help me fill out this document, I have obtained and read the notice required by 11 U.S.C. § 342(b).

I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.

I understand making a false statement, concealing property, or obtaining money or property by fraud in connection with a bankruptcy case can result in fines up to $250,000, or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

✘ /s/ Tonya Evette Summers
Signature of Debtor 1

Executed on 12/05/2016
MM / DD / YYYY

✘ ____________________
Signature of Debtor 2

Executed on __________
MM / DD / YYYY

Debtor 1 Tonya Evette Summers
First Name Middle Name Last Name

Case number (*if known*)

For your attorney, if you are represented by one

If you are not represented by an attorney, you do not need to file this page.

I, the attorney for the debtor(s) named in this petition, declare that I have informed the debtor(s) about eligibility to proceed under Chapter 7, 11, 12, or 13 of title 11, United States Code, and have explained the relief available under each chapter for which the person is eligible. I also certify that I have delivered to the debtor(s) the notice required by 11 U.S.C. § 342(b) and, in a case in which § 707(b)(4)(D) applies, certify that I have no knowledge after an inquiry that the information in the schedules filed with the petition is incorrect.

✘ /s/ Erich M. Fabricius
Signature of Attorney for Debtor

Date 12/05/2016
MM / DD / YYYY

Erich M. Fabricius
Printed name

Fabricius & Fabricius PLLC
Firm name

PO Box 1230
Number Street

Knightdale
City

NC
State

27545
ZIP Code

Contact phone 919-295-6001

Email address emf@fabriciuslaw.com

39667
Bar number

NC
State

United States Bankruptcy Court
Eastern District of North Carolina

In re **Tonya Evette Summers** Debtor(s)

Case No __________
Chapter **13**

DISCLOSURE OF COMPENSATION OF ATTORNEY FOR DEBTOR

1. Pursuant to 11 U.S.C. § 329(a) and Bankruptcy Rule 2016(b), I certify that I am the attorney for the above- named debtor(s) and that compensation paid to me within one year before the filing of the petition in bankruptcy, or agreed to be paid to me, for services rendered or to be rendered on behalf of the debtor(s) in contemplation of or in connection with the bankruptcy case is as follows:

For legal services, I have agreed to accept	$ 4,500.00
Prior to the filing of this statement, I have received	$ 500.00
Balance Due	$ 4,000.00

2. $ **0.00** of the filing fee has been paid.

3. The source of the compensation paid to me was:

   ☑ Debtor ☐ Other (specify)

4. The source of compensation to be paid to me is:

   ☐ Debtor ☐ Other (specify)

5. ☑ I have not agreed to share the above-disclosed compensation w ith any other person unl ess they are members and associates of my law firm.

   ☐ I have agreed to share the above-disclosed compensation w ith a other person or persons w ho are not members or associates of my law firm. A copy of the agreement, together w ith a list of the names of the people sharing in the compensation, is attached.

6. In return for the above-disclosed fee, I have agreed to render legal service for all aspects of the bankruptcy case, including:
   a. Analysis of the debtor's financial situation, and rendering advice to the debtor in determining whether to file a petition in bankruptcy;
   b. Preparation and filing of any petition, schedules, statements of affairs and plan which may be required;
   c. Representation of the debtor at the meeting of creditors and confirmation hearing, and any adjourned hearings thereof
   d. **Other matters required by local rule**

7. By agreement with the debtor(s), the above-disclosed fee does not include the following services:

   Adversary proceedings, non-base matters, conversion to or represenation in other chapters, non-bankruptcy representation.

CERTIFICATION

I certify that the foregoing is a complete statement of any agreement or arrangement for payment to me for representation of the debtor(s) in this bankruptcy proceeding.

Dated: **12/05/2016**

/s/ Erich M. Fabricius

Erich M. Fabricius
NC Bar 39667
Fabricius & Fabricius PLLC
P.O. Box 1230
Knightdale, NC 27545
919-295-6001 Fax: 919-890-3833
emf@fabriciuslaw.com

CAPITAL ONE
PO BOX 30281
SALT LAKE CITY.UT 84130

Capital One Auto Finance
7933 Preston Road
Plano, TX 75024-2302

Carillon Assisted Living Of Knightdale
2408 Hodge Road
Knightdale, NC 27545

Cary Park HOA
c/o Talis Management
P.O. Box 99149
Raleigh, NC 27624

CBNA
PO BOX 6497
SIOUX FALLS, SD 57117

CHASE CARD
PO BOX 15298
WILMINGTON, DE 19850

Department Stores National Bank
Bankruptcy Processing
PO Box 8053
Mason, OH 45040

DFS/LLC
DFS/CREDIT DISPUTES CUST CARE
PO BOX 81607
AUSTIN , TX 78708

Hannah, Sheridan, Loughridge & Cochran
5400 Glenwood Ave
Raleigh, NC 27612

Hatch, Bunn, and Little
327 HILLSBOROUGH ST
RALEIGH, NC 27603

Hutchins Law Firm
4317 Ramsey Street
Fayetteville, NC 28302

Internal Revenue Service
P. O. Box 7346
Philadelphia, PA 19101-7346

KOHLS/CAPONE
PO BOX 3115
MILWAUKEE, WI 53201

Nationstar Mortgage
8950 Cypress Waters Blvd
Coppell, TX 750519

Navient
PO Box 9635
Wilkes Barre, PA 18773

New York State Dept of Taxation and Finance
Bankruptcy Section
PO Box 5300
Albany NY 12205-0300

Purchasing Power
1349 West Peachtree St. NW, Ste 1100
Atlanta, GA 30309

Santander Consumer USA
Attn: Bankruptcy Dept
PO Box 560284
Dallas, TX 75356-0284

Synchrony Bank
PO BOX 965015
ORLANDO , FL 32896

Universal Health Care/Fuquay-Varina, Inc.
410 S. Judd Parkway SE
Fuquay-Varina, NC 27526-2147

United States Bankruptcy Court
Eastern District of North Carolina

In re **Tonya E. Summers,**
Debtor

Case No. ______

Chapter **13**

VERIFICATION OF CREDITOR MATRIX

The above-named Debtor(s) hereby verify that the attached list of creditors is true and correct to the best of their knowledge.

Date **December 5, 2016**

/s/ Tonya Evette Summers
Signature of Debtor 1

Date ______

______
Signature of Debtor 2 (if any)

I hereby certify under penalty of perjury that the attached list of creditors which has been prepared in the format required by the clerk is true and accurate to the best of my knowledge and includes all creditors scheduled in the petition.

Date **December 5, 2016**

/s/ Erich M. Fabricius
Signature of Attorney
Erich M. Fabricius
NC Bar 39667
Fabricius & Fabricus PLLC
P.O. Box 1230
Knightdale, NC 27545
919-295-6001 Fax: 919-890-3833
emf@fabriciuslaw.com